

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION

UNITED STATES OF AMERICA

VS.

CHARLES RUSSELL PRESLEY,

Material witness

In Re: 6: 05-CR-17 (HL)

ORDER OF DETENTION OF MATERIAL WITNESS PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), inquiry has been made in this proceeding concerning the above-named MATERIAL WITNESS. The government has filed a motion for pretrial detention based upon its belief that CHARLES RUSSELL PRESLEY poses a serious risk of flight and would not be available as a material witness in the case of UNITED STATES OF AMERICA VS. HARRELL currently set for trial on May 8, 2006, in Macon, Georgia. Based upon the information provided to the court by the parties and in the Pretrial Services Report provided by the U.S. Probation Office, I conclude that the following facts require the detention of CHARLES RUSSELL PRESLEY, a MATERIAL WITNESS, pending the trial of the defendants.

PART I - FINDINGS OF FACT

There is a serious risk that Mr. Presley will not appear for further proceedings should he be released from custody at this time. According to information furnished to the court, Mr. Presley is homeless and has a serious drug addiction. Mr. Presley does not contest detention.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the information provided by the U.S. Probation Office and proffered by the government establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of this MATERIAL WITNESS if he were to be released from custody at this time. Due to his current lifestyle, he cannot be counted on to appear for trial as directed by the court. In addition, there may be a danger to his life if he is permitted to remain free. The court specifically finds that his presence at trial is necessary and that due to the fact that the trial is scheduled for May 8, 2006, preserving his testimony by deposition is impractical.

PART III - DIRECTIONS REGARDING DETENTION

Accordingly, CHARLES RUSSELL PRESLEY, a MATERIAL WITNESS, is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. He shall be afforded reasonable opportunity for private consultation with his court-appointed counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver this witness to the United States Marshal for the purpose of his appearance in connection with the above referred to court proceeding.

SO ORDERED, this 3rd day of MAY, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE